

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,876	<b>Applicant(s)</b> SHINTANI ET AL.	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument that Miller in view Kerman fails to teach or make obvious at least the EPG processor circuit outputs an on screen display (OSD) signal for displaying the history information about a selected episode of a program because Miller does not disclose history information about a selected episode of a program (pages 4-5, bridge paragraph). This argument is respectfully traversed.

Miller discloses if the user response affirmatively (select reminder for a program/episode), the microcontroller stores reminder data consisting of at least the channel, time, and day of the selected program in a reminder buffer, which contains similar schedule information for all programs for which the user has set a reminder. At a pre-determined time before the selected program start time, the microcontroller will retrieve schedule information, including title and service, based on the reminder data, and will instruct the VDG 23 to display a REMINDER overlay message 140 on the television receiver 27 to remind the user that he or she previously set a reminder to watch the selected program... When the user sets multiple reminders, the reminder

Art Unit: 2623

overlays are stacked, for example, in ascending order according to the time each reminder is scheduled to be display... (see include, but are not limited to, col. 14, line 41-col. 15, line 13). The claimed "history information" is interpreted as "previously set" information/data or data of reminders previously set by the user. Therefore, the limitation "EPG processor circuit outputs an on screen display (OSD) signal for displaying the history information about a selected episode of a program" is interpreted as the microcontroller and VDG outputs an on screen display signal including REMINDER(s) for displaying the reminder information about a selected program/episode previously set by the user.

Rejections on claims 1-8 are analyzed as discussed below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 5,585,866) in view of Kerman (US 5,659,366).

Regarding claim 1, Miller discloses an electronic program guide circuit (EPG) – interpreted as microcontroller, data processor, ROM, DRAM, EEPROM, etc. (figure 1) comprising:

an EPG processor circuit, including a central processing unit (CPU) –interpreted microcontroller or processor (see include, but are not limited to, figure 1, col. 8, lines 20-61, col.34, line 45-col. 9, line 16), supplied with a video signal (video input received from signal input 11 – figure 1, col. 7, line 57-col. 8, line 13), wherein the video signal input include EPG program information in electronic from describing viewable program which is extracted from the video signal by the EPG processor (the video input includes program schedule information for all television program such as program title, channel, etc. which is extracted from the video signal by microcontroller or processor – see include, but are not limited to, figures 1, 18, col. 9, lines 15-44), the “EPG processor circuit outputs an on screen display (OSD) signal for displaying the history information about a selected episode of a program” is interpreted as the microcontroller and VDG outputs an on screen display signal including REMINDER(s) for displaying the reminder information about a selected program/episode previously set by the user - see col. 14, line 41-col. 15, line 13 and discussed in the "Response to Arguments" above);

a read only memory (ROM) connected to the EPG processor circuit for storing a program used by the EPG’s CPU (e.g., ROM for storing software program and other information used by the microcontroller, or processor -see include, but are not limited to, figure 1, col. 8, line 20-col. 9, line 8, col. 34, lines 45-67);

a random access memory (e.g., DRAM) supplied with the EPG program information (program schedule information) by the EPG processor circuit, for storing EPG program information for a plurality of episodes of a given program (e.g., program title, time, etc. see include, but are not limited to, figures 1, 18-20, 38B, col. 8, line 20-col. 9, line 8, col. 34, lines 45-67).

Miller also discloses converting digital program schedule information to an RGB format in accordance with the bit map for the particular screen display then being presented to the user on the television receiver 27 – see include, but are not limited to, figure 1, col. 9, lines 30-61). However, Miller does not explicitly disclose a horizontal sync input, and a vertical sync input.

Kerman discloses circuit for accessing IPG data. The circuit comprises horizontal sync input and vertical sync input (see include, but are no limited to, figures 1-2, col. 2, lines 32-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller with the teaching as taught by Kerman in order to maintain synchronism of the output signals so as to provide a proper image.

Regarding claim 3, Miller in view of Kerman discloses the EPG circuit as discussed in the rejection of claim 1. Miller further discloses storing user specific information such as reminder, parental control setting, or account information, etc. in the memory (see include, but are not limited to, col. 14, lines 50-67, col. 18, lines 49-60, col. 22, lines 50-52, col. 23, lines 30-47). Miller also discloses the circuit comprises Non-volatile memory EEPROM 20 for storing information – figure 1, col. 8, lines 32-67). It would have been

Art Unit: 2623

obvious to one of ordinary skill in the art to store the user specific information such as setting information, parental control information, account information, etc. in the Non-volatile memory EEPROM 20 in order to prevent the lost of information when the power is off.

Regarding claim 4, Miller in view of Kerman discloses the EPG circuit as discussed in the rejection of claim 1. The additional limitation "the EPG program information is extended data service data contained in the vertical blanking interval is taught by on either Miller or Kerman (see include, but are not limited to, Miller: col. 7, line 65-col. 8, line 13; Kerman: col. 6, lines 5-13).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 5,585,866) in view of Kerman (US 5,659,366) as applied to claim 1, and further in view of Ozkan et al. (US 7,032,236).

Regarding claim 5, Miller in view of Kerman discloses the EPG circuit as discussed in the rejection of claim 1. Miller further discloses numerous transmission schemes can be used to transmit the data stream including program schedule information (col. 8, lines 3-14). However, Miller in view of Kerman does not explicitly disclose the EPG program information is in the digital signal's PSIP.

Ozkan discloses EPG program information is in the digital signal's PSIP (see include, but is not limited to, col. 3, lines 23-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller in view of Kerman with the teaching as taught by Ozkan in order at least to provide text description of the events themselves thereby enhancing generation of EPG.

5. Claims 2, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 5,585,866) in view of Kerman (US 5,659,366) as applied to claim 1, and further in view of Ellis (US 20030149988).

Note: Application No. 09/330,792, filed on Jun. 11, 1999, which is hereby incorporated by reference in its entirety in US 2003/0149988 – see paragraph 0133.

Regarding claim 2, Miller in view of Kerman discloses the EPG circuit as discussed in the rejection of claim 1. Miller further discloses the EPG processor circuit outputs the on screen display (OSD) signal for displaying the history information about the selected episode of a program (see col. 14, line 41-col. 15, line 13 and discussed in the rejection of claim 1). Miller also discloses the reminder message could also be adapted to allow the user to display or modify a list of all reminders previously set by the user and the reminder overlay another program (see include, but are not limited to, col. 14, line 41-col. 15, line 13, figures 13-14). However, Miller in view of Kerman does not explicitly disclose displaying the history information (e.g., information of reminders) about the selected episode of the program simultaneously with another episode of the program,

Art Unit: 2623

wherein the selected episode of the program occurs previously to the another episode of the program.

Ellis discloses displaying the history information about the selected episode of the program simultaneously with another episode of the program, wherein the selected episode of the program occurs previously to another episode of the program (e.g., displaying information of reminders or selected episodes for all episodes in the entire series....wherein the selected episode (for example, episode broadcast on May 3) of the series occurs previously to next episode (for example, episode on May 10, then May 17) – see include, but are not limited to, US 2005/0204388: paragraphs 0015-0017, 0020, 0041, 0046, 0058). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller in view of Kerman with the teaching as taught by Ellis in order yield predictable results such as to improve convenience for user to follow a series with episodes.

Regarding claims 6-8, Miller in view of Kerman discloses the EPG circuit as discussed in the rejection of claim 1. Miller further discloses numerous transmission schemes can be used to transmit the data stream including program schedule information (col. 8, lines 3-14). However, Miller in view of Kerman does not explicitly disclose the EPG program information is received via the Internet, via a public switched telephone network, via a cable system's out of band (OOB) data stream.



Ellis discloses EPG program information is received via the Internet (e.g., communication path is Internet link), via a public switched telephone network (e.g., communication path is telephone link), via a cable system's out of band (OOB) data stream (e.g., communication path is OOB or DOCSIS link) – see include, but are not limited to, paragraph 0064-0065. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller in view of Kerman with the teachings as taught by Ellis in order to yield a predictable results (for example, to expand capabilities of the circuit).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas et al. (US 2005/0149964 A1) discloses program guide system with monitoring of advertisement usage and user activities.

Maissel et al. (US 6,637,029) discloses intelligent electronic program guide.

Yasukawa et al. (US 7,047,550 B1) discloses system for processing program information.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2623

March 3, 2008